REMARKS

Examination will indicate that the foregoing response does not include the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the present application for invention, kindly, be reconsidered in view of the following remarks.

The Final Office Action dated May 3, 2005 has been received and considered by the Applicants. Claims 10-42 are pending in the present application for invention. Claims 10-25, 27, 29, 31-33, 35, 36, 40 and 42 are rejected by the May 3, 2005 Final Office Action. Claims 26, 28, 30, 32, 34, 37-39 and 41 are objected to by the Final Office Action dated May 3, 2005.

The Final Office Action rejects Claims 10-24, 31, 32, 35, 36, 40, and 42 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-8, 24 and 30-33 of U.S. Patent No. 6,370,090 (hereinafter referred to as the '90 patent) in view of U.S. Patent No. 5,592,450 issued in the name of Yonemitsu et al. (hereafter referred to as Yonemitsu et al.). The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other.

In the section labeled **Response to Remarks**, the Examiner states that Yonemitsu et al. discloses a TOC and a copy of the TOC in the same track area. The Examiner's position is that the TOC areas taught by Yonemitsu et al. can be used as sub-TOCs as defined by the rejected claims. The Applicants, respectfully, disagree. The Applicants, respectfully, point out that the rejected claims define subject matter for redundant sub-TOCs within the same track area and a master TOC mechanism having structures for determining the position for each of the sub-TOCs. The rejected claims do not define subject matter for redundant master TOCs. Yonemitsu et al. teach redundant master TOCs that are not referenced by another TOC mechanism. Using the definition of "track" that the Examiner employs in the Final rejection, the redundant TOC mechanisms taught by Yonemitsu et al. do not have structures for storing information for determining the configuration of the information items stored in the track area. The TOC as taught by Yonemitsu et al. provides disc information and track information (see Table 1 on Column 12) and not structures for storing information for determining the configuration of the information items stored in the track area.

The Examiner admits that the '90 patent does not teach the additional sub-TOC having structures for storing information for determining the configuration of the same information

items stored in the track area. The Examiner's position is that Fig. 5 of Yonemitsu et al teach the subject matter for an additional sub-TOC having structure storing information that can be used for determining the configuration of the same information items stored in the track area, allowing retrieving the configuration of the same information item in the track area from at least any correct copy of the sub-TOCs. The Applicants, respectfully, disagree.

The Applicants, respectfully, submit that Yonemitsu et al. in Fig. 5, and the description related thereto, teach creating a copy of TOC data. The rejection attempts to apply the TOC mechanisms of Yonemitsu et al. as being equivalent to the sub-TOCs defined by the rejected claims. However, there is no equivalent within Yonemitsu et al. or Kawamura et al. to a master TOC as defined by the rejected claims that determines the position of the sub-TOCs. The TOC mechanisms as taught by Yonemitsu et al. are in a fixed location. The master TOC mechanisms defined by some of the rejected are in a fixed location. The sub-TOCs defined by the rejected claims are not in a fixed location. Therefore, the TOC mechanisms as taught by Yonemitsu et al. can not be equated to the sub-TOCs defined by the rejected claims because the location of the sub-TOCs defined by the rejected claims are not fixed. The master TOC defined by rejected claims determines the location of the sub-TOCs. There is no disclose, or suggestion, within Yonemitsu et al. for the TOC mechanism taught therein to not be in a fixed location.

The use the TOC mechanism taught by Yonemitsu et al. to read on the sub-TOCs defined by the rejected claims is an improper use of Yonemitsu et al. as a reference. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The Examiner asserts that the TOC mechanisms of Yonemitsu et al. are equivalent to the sub-TOCs defined by the rejected claims. The sub-TOCs as defined by the rejected claims are not in a fixed location. The location of the sub-TOCs aredetermined by the master TOC. If the sub-TOCs defined by the rejected claims were in a fixed location, then there would be no reason for the location of the sub-TOCs to be determined because they would already be known. The attempt by the rejection to use the TOC mechanisms taught by Yonemitsu et al. as being equivalent to the sub-TOCs defined by the rejected claims is a modification that renders the TOC mechanisms of Yonemitsu et al. unsatisfactory for their intended purpose. The TOC mechanism of Yonemitsu et al. are in a fixed location that is already known. The attempts by the Examiner to implement the TOC mechanism

is a manner such that their location must be determined renders the TOC mechanisms of Yonemitsu et al. unsatisfactory for their intended use e.g in a known fixed location. There is no disclosure or suggestion within Yonemitsu et al. for the TOC mechanism to be in other than a known, fixed location.

Accordingly, the rejection of Claims 10-24, 31, 32, 35, 36, 40, and 42 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 22-34 of U.S. Patent No. 6,370,090, is respectfully, traversed.

The Office Action rejects Claims 10-19, 22, 23, 25, 27, 29, 31, 33, and 35 under the provisions of 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,198,877 issued to Kawamura et al. (hereinafter referred to as Kawamura et al.) in view of U.S. Patent No. 5,592,450, issued to Yonemitsu et al. (hereinafter referred to as Yonemitsu et al.).

In the section labeled **Response to Remarks**, the Examiner states that the drawings and the specification to the present invention disclose that track 19 is a continuous track. The Examiner's position is that Yonemitsu et al. teach redundant copies of a table of contents (TOC) mechanism within the tracking groove contained on a disc and that this disclosure of redundant TOC mechanisms is equivalent to the redundant sub-TOCs for the same track area within one or more tracks as defined by the rejected claims. The Applicants, respectfully, point out that the rejected claims define subject matter for redundant sub-TOCs within the same track area and a master TOC mechanism having structures for determining the position for each of the sub-TOCs. Yonemitsu et al. does not disclose or suggest any sub-TOCs that are addressed by a master TOC. There are no sub-TOCs disclosed or suggested by Yonemitsu et al. The Examiner has failed to provide any disclosure or suggestion within the cited references (Yonemitsu et al. and Kawamura et al.) for a master TOC would store information for determining the position of at least two sub-TOC mechanisms as defined by the rejected claims.

The use the TOC mechanism taught by Yonemitsu et al. to read on the sub-TOCs defined by the rejected claims is an improper use of Yonemitsu et al. as a reference. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The Examiner asserts that the TOC mechanisms of Yonemitsu et al. are equivalent to the sub-TOCs defined by the rejected claims. The sub-TOCs as defined by the rejected claims are not in a fixed location. The location of the

sub-TOCs aredetermined by the master TOC. If the sub-TOCs defined by the rejected claims were in a fixed location, then there would be no reason for the location of the sub-TOCs to be determined because they would already be known. The attempt by the rejection to use the TOC mechanisms taught by Yonemitsu et al. as being equivalent to the sub-TOCs defined by the rejected claims is a modification that renders the TOC mechanisms of Yonemitsu et al. unsatisfactory for their intended purpose. The TOC mechanism of Yonemitsu et al. are in a fixed location that is already known. The attempts by the Examiner to implement the TOC mechanism is a manner such that their location must be determined renders the TOC mechanisms of Yonemitsu et al. unsatisfactory for their intended use e.g in a known fixed location. There is no disclosure or suggestion within Yonemitsu et al. for the TOC mechanism to be in other than a known, fixed location.

Furthermore, the Examiner has failed to provide any rational that would lead a person skilled in the art to modify the cited references (Yonemitsu et al. and Kawamura et al.) to create at least two sub-TOC mechanisms that are addressed by master TOC that stores information for determining the position of at least two sub-TOC mechanisms as defined by the rejected claims. Yonemitsu et al. provides redundant TOC mechanisms to allow computers that do not easily recognize data recorded in sectors having negative addresses to be able to read the redundant TOC recorded in a sector that does not have a negative address. Using the definition of "track" that the Examiner employs in the Final rejection, the redundant TOC mechanisms taught by Yonemitsu et al. do not have structures for storing information for determining the configuration of the information items stored in the track area. The TOC as taught by Yonemitsu et al. provides disc information and track information (see Table 1 on Column 12) and not structures for storing information for determining the configuration of the information items stored in the track area.

Kawamura et al. teach a Disc TOC and numerous different program TOC mechanisms. It should be pointed out that the Program TOCs as taught by Kawamura et al. are all different and not redundant. There is no disclosure, suggestion or any mentioning within Kawamura et al. that would lead a person skilled in the art to believe that it is useful, desirable or that any beneficial effect would be gained from redundantly reproducing each or any of the Program TOCs.

Regarding Claim 10, the Examiner asserts that Kawamura et al. teach the method of rejected Claim 10 except for providing of an additional mutually logically conforming sub-TOC

for the same track area in one or more track areas of a unitary storage medium and the additional sub-TOC having structures for storing information for determining the configuration of the same information items stored in the track area, thereby allowing retrieving the configuration of the same information item in the track area from at least any correct copy of the sub-TOCs.

The Examiner's position is that Yonemitsu et al. in Fig. 5 teach a recording medium providing additionally mutually logically conforming TOCs in a unitary storage medium, wherein, the additional TOCs at structures for storing information for determining the configuration of the same information items stored in the track area, thereby allowing retrieving the configuration of the same information item in the track area from at least any correct copy of the TOCs. The Applicants would like to draw the Examiner's attention to column 11, line 56 through column 12, line 4 of Yonemitsu et al, wherein Fig. 5 is discussed. Yonemitsu et al. discuss a TOC being placed within the lead in area and the copy of the TOC being placed in the program area. The lead in area as discussed by Yonemitsu et al. on column 11, lines 34-55 is a separate area of the disc from the program area. The sector address of the first track of the program area is identified as address 0. In Fig. 5, Yonemitsu et al. illustrates the TOC data located within the lead in area and a copy of the TOC data being located within the program area, however, there is no discussion within Yonemitsu et al. for placing redundant copies of the TOC data within the same track. Moreover, there is no disclosure, or suggestion, within Yonemitsu et al. for placing sub-TOC data for storing information for determining the configuration of the same information items stored in the track area as recited by rejected claim 10. Therefore, there are features that are recited by rejected claim 10 that are not found within the combination made by the Examiner.

The Examiner states that Yonemitsu et al. teach the advantages of making a duplicate copy of the TOC file, and that Kawamura et al. teach a master TOC that refers to a sub-TOC and that it would have been obvious for person of ordinary skill within the art to create the storage medium as defined by rejected claim 10 to the present invention. The Applicants, respectfully, disagree. Yonemitsu et al. do not teach a sub-TOC mechanism, much less redundant sub-TOC mechanisms. Furthermore, Yonemitsu et al. do not teach any form of a redundant TOC, whether it be a master TOC or a sub-TOC, that is referenced by another TOC as defined by the rejected claims. The combination of Yonemitsu et al. with Kawamura et al. using the definition of "track" as applied in the Final Office Action would logically result in redundant master TOC

mechanism and a plurality of different Program TOC mechanisms that could each be individually accessed by either of the master TOC mechanisms. Rejected Claim 10 defines at least two mutually logically conforming sub-TOCs and at least one master-TOC having structures for storing information for determining the position of the sub-TOCs; which is exactly the opposite to the combination that logically results from the rejection contained within the Final Office Action. There is no motivation provided by either of the cited references (Yonemitsu et al. and Kawamura et al.) to modify this combination to create the subject matter defined by rejected Claim 10. There is no disclosure, or suggestion, in either Yonemitsu et al. or Kawamura et al. for implementing redundant sub-TOCs as defined by rejected claim 10. Therefore, there are features within rejected Claim10 that are not found the combination made by the Final Office Action.

As stated in the MPEP at §2142, "To establish a *prima facie* case of obvlousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

Regarding the first point above, that there must be some suggestion or motivation, to make the combination provided by the prior art, the Applicants, respectfully, point out that the rejection does not provide any suggestion or motivation within the cited prior art references to make the combination made in the rejection. The Examiner states that a person skilled in the art would be motivated to make the combination made by the rejection because some computer applications do not easily recognize data recorded in the sectors having negative addresses. The Applicants, respectfully point out that the rationale given by the Examiner is the rational given by Yonemitsu et al. for making redundant TOC areas that are not referenced by any other TOC area as defined by the rejected claims, and Yonemitsu et al. does not provide any suggestion or motivation for making redundant sub-TOC areas that can be referred to or addressed by another TOC.

The Applicants would like to, once again, draw the Examiner's attention to column 11,

line 56 through column 12, line 4 of Yonemitsu et al. wherein Fig. 5 is discussed. The rational for providing a redundant master TOC by Yonemitsu et al. is because some computer applications do not easily recognize data recorded in sectors having negative addresses. This teaching of Yonemitsu et al. may suggest creating redundant files in the lead in area and the program area, however, it does not suggest creating redundant sub-TOCs for determining the configuration of the same items stored within a track area as recited by rejected Claim 10. There is no suggestion provided by Yonemitsu et al. for creating redundant structures for determining the configuration of the same information stored in a track area.

The specification to the present application for invention on page 8, lines 22-26 provides the motivation for creating redundant files within the same track to overcome interference through environmental and other influences. Kawamura et al. provides no redundancy at all.

Regarding a reasonable expectation of success that must be found in the prior art, and not based on Applicants' disclosure. The Final Office Action has failed to provide any support within either Kawamura et al. or Yonemitsu et al. that it is possible to read a second sub-TOC in a track after a failure in attempting to read a first sub-TOC in the same track. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). In order to establish a *prima facie* case of obviousness, there must be a reasonable expectation of success found within the prior art, and there has not been any reasonable expectation of success within the prior art provided by the Final Office Action.

As previously stated, even though a hindsight approach has been employed in making the combination, there still remain recited claim elements that are not found in the combination made by the Final Office Action. The Office Action has not provided any indication, desire or usefulness of providing redundant structures indicative of the same information within a track that can each be accessed by another TOC mechanism in either of the prior art references. Moreover, the Final Office Action has not provided suggestion for the usefulness of providing redundant sub-TOC files indicative of the same information within a track. The Final Office Action has not provided any suggestion for a master-TOC having structures for determining the position of the sub-TOCs. Accordingly, the rejection to Claim10 contained within the Final Office Action is, respectively, traversed.

Claim 11, defines additional subject matter for storing the information items in the track

area, storing in each of the sub-TOC structures the configuration of each of the information items including the content and position of the information items in the track area, storing in the master-TOC structures the information for determining the position of the at least two mutually logically conforming sub-TOCs. The Final Office Action has failed to provide any support for the assertion that the combination of Kawamura et al. with Yonemitsu et al. teaches the storing in each of the sub-TOC structures the configuration of each of the information items including the content and position of the information items in the track area in a manner that is consistent with the subject matter defined by rejected Claim 11. The sub-TOCs as defined by rejected Claim 11 are redundant. The rejection to Claim 11 applies the Program TOC mechanisms of Kawamura et al. that are not redundant. Yonemitsu et al. do not teach any form of a sub-TOC as defined by rejected Claim 11. Therefore, this rejection is traversed.

Claims 12 defines subject matter for each sub-TOC having structures for storing information for determining the configuration of the same information items stored in the track area, thereby allowing retrieving the configuration of the same information item in the track area from at least any correct copy of the sub-TOCs, wherein the information items include audio information. The rejection to Claim 10 applies the TOC mechanisms of Yonemitsu et al. against the sub-TOCs defined by the rejected claims. The rejection to Claim 12 applies the Program TOC mechanisms taught by Kawamura et al. against the additional subject matter defined by Claim 12 wherein the information items include audio information. The Applicants, respectfully, assert that the rejection to Claim 12 clearly illustrates the basic flaw in the rejection to Claim 10 e.g. that Yonemitsu et al. do not teach a sub-TOC that is consistent with the sub-TOC as defined by the rejected claims. The Examiner is picking and choosing employing a hindsight approach without any disclosure or suggestion within the cited references to make the combination made except for using the rejected claims as a blueprint. The Applicants assert that it is not proper to download the features of the Program TOC taught by Kawamura et al. into the TOC mechanism taught by Yonemitsu et al. into order to make the combination made by the Final Office Action read on all the elements as defined by rejected Claim 11. Therefore, this rejection is traversed.

Regarding Claims 13-15, these claims depend from and further narrow and define Claim 10. Therefore since Claim 10 is believed below for the above discuss reasons Claims 13-15 are also believed to be allowable.

Regarding Claim 16, the Examiner states that Kawamura et al. teach the features of rejected claim 16, specifically, the Examiner states that Kawamura et al. teach two sub-TOCs assigned to the same track area are positioned at opposite ends of the track area. The Applicants deny this assertion contained within the Final Office Action. Kawamura et al. do not teach or suggest two sub-TOCs assigned to the same track area that are positioned at opposite ends of the track area. The Examiner indicates Fig. 1 of Kawamura et al. shows this foregoing subject matter. Fig. 1 of Kawamura et al. shows a DISC TOC towards the being and Program N towards the end. The Program TOC N is in the middle. The Applicants assume that the Examiner is employing the same definition for "track" as being the tracking groove that was previously applied; however, this also is not at all clear. The Applicants, respectfully, assert that the rejection to Claim 16 clearly illustrates the basic flaw in the rejection to Claim 10 e.g. that Yonemitsu et al. do not teach a sub-TOC that is consistent with the sub-TOC as defined by the rejected claims. The Examiner is picking and choosing employing a hindsight approach without any disclosure or suggestion within the cited references to make the combination made except for using the rejected claims as a blueprint. The Applicants assert that it is not proper to alternately employ the Program TOC taught by Kawamura et al. with the TOC mechanism taught by Yonemitsu et al. into modify the combination made by the Final Office Action so that is reads on all the elements as defined by rejected Claim 16. Therefore, this rejection is traversed.

Regarding Claim 17, Examiner states that Yonemitsu et al. teach two sub-TOC files assigned to the same area is exactly two. The Applicants, respectfully, disagree. Yonemitsu et al. do not teach two sub-TOC files, as previously discussed Yonemitsu et al. teach TOC mechanism that could only possibly be classified as redundant master TOC files. The Applicants, respectfully, point out that the Examiner is currently using the TOC files of Yonemitsu et al. to read on the sub-TOCs defined by rejected Claim 17. There must be some rationale within the cited prior art references to substantiate the modification of the combination made by the Final Office Action. No such rational provided by the Final Office Action for modifying the TOC mechanisms of Yonemitsu et al. to make them operate as the sub-TOCs as defined by rejected Claim 17. Accordingly, this rejection is respectfully traversed.

Claim 18 depends from Claim 10 and further narrows and defines Claim 10. Therefore, since Claim 10 is believed to be allowable, Claim 18 is also believed to be allowable.

Regarding Claim 19, Examiner states that Yonemitsu et al. teach the sub-TOC files are identical. The Applicants, respectfully, disagree. Yonemitsu et al. do not teach identical sub-TOC files, Yonemitsu et al. teach redundant TOC files that are at best equivalent to the master TOC as defined by the rejected claims. The Applicants, respectfully, point out that the Examiner is attempting to modify references in order find all the elements defined by the rejected claims. As previously discussed, the Examiner must provide some rationale within the cited prior art references to substantiate the modification of the combination made by the Final Office Action. No such rational provided by the Office Action. Accordingly, this rejection is respectfully traversed.

Regarding apparatus Claims 22 and 23, the Examiner states that these claims are rejected for the reasons as Claims 10, 11 and 13. Therefore, the Applicants' traverse the rejection to Claims 22 and 23 for the same reasons as Claims 10, 11 and 13 above.

Regarding apparatus Claim 25, the Examiner states that this claim is rejected for the reasons as Claim 10, 11 and 13. Accordingly, the Applicants traverse the rejection to Claim 25 for the same reasons as Claims 10, 11 and 13 above. The Examiner further states that Claim 25 recites first control means for positioning a read head and second control means for positioning the read head are rendered obvious by the disc drive and controller of Yonemitsu et al. The Applicants, respectfully, disagree. The Examiner has provided no support for the assertion that disc drive and controller of Yonemitsu et al. can function as different control means for positioning a read head. Accordingly, this rejection is, respectfully, traversed.

Regarding apparatus Claim 27, the Examiner states that this claim is rejected for the same reasons as Claims 10, 11 and 13. Therefore, the Applicants traverse the rejection to Claim 27 for the same reasons as Claims 10, 11 and 13 above. The Examiner further asserts that Kawamura et al. teach the first and second control means defined by rejected Claim 27. The Applicants, respectfully, point out that the second control means define subject matter for positioning the write head to write configuration information for the information items at times in each of at least two mutually logically conforming sub-TOCs assigned to the track area, and writing in each sub-TOC the configuration information for the same information items written in the track area, thereby allowing retrieving configuration information for the same information item from at least any correct copy of the mutually logically conforming sub-TOCs. This subject matter is not disclosed or suggested by Kawamura et al. or Yonemitsu et al., either alone or in combination.

Therefore, this rejection is, respectfully, traversed.

Regarding apparatus Claims 29 and 33, the Examiner states that these claims are rejected for the reasons as Claims 10, 11 and 13. Accordingly, the Applicants traverse the rejection to Claims 29 and 33 for the same reasons as Claims 10, 11 and 13 above.

Claim 29 defines subject matter for control means for controlling the reading device wherein the control means position a read head with respect to the track depending on configuration information including position information read at times from each of at least two mutually logically conforming sub-TOCs assigned to each track area, each sub-TOC specifying the configuration of each information item stored in the track area, thereby allowing retrieving configuration information for any information items from at least any correct copy of the mutually logically conforming sub-TOCs and the control means positioning the read head at each of the at least two sub-TOCs depending on position information read from at least one master-TOC. The foregoing subject matter is not disclosed or suggested by Kawamura et al. or Yonemitsu et al., either alone or in combination. Therefore, this rejection is, respectfully, traversed.

Claim 33 defines subject matter for control means for controlling the recording device wherein the control means position the write head at times to write the information items in a track area and for subsequently writing the information items in the track area and the control means position the write head at times to write, in at least two mutually logically conforming sub-TOCs assigned to each track area, configuration information of the information items, each sub-TOC having structures for storing configuration information for each of the information items stored in the track area, and for subsequently writing the information item configuration information into the sub-TOC structures, thereby allowing retrieving configuration information for any information items from at least any correct copy of the mutually logically conforming sub-TOCs. The foregoing subject matter is not disclosed or suggested by Kawamura et al. or Yonemitsu et al., either alone or in combination. Therefore, this rejection is, respectfully, traversed.

Regarding apparatus Claim 31, the Examiner states that these claim are rejected for the reasons as Claims 10, 11 and 13. Therefore, the Applicants traverse the rejection to Claim 31 for the same reasons as Claims 10, 11 and 13 as previously discussed. The Examiner also states that Kawamura et al. teach the subject matter for a master disc and pressing means in Fig. 24. The

Applicants, respectfully, point out that Claim 31 defines subject matter for the master disc to contain at least two mutually logically conforming sub-TOCs assigned to a track area, each sub-TOC having information structures specifying the configuration of each information item stored in the track area, thereby allowing retrieving the configuration of any information item at least from any correct copy of the sub-TOCs, and at least one master-TOC with information structures specifying the positions of each of the mutually logically conforming sub-TOCs. The foregoing subject matter is not disclosed or suggested by Kawamura et al. or Yonemitsu et al., either alone or in combination. Therefore, this rejection is, respectfully, traversed.

Regarding apparatus Claim 35, the Examiner states that this claim is rejected for the reasons as Claims 10, 11 and 13. Therefore, the Applicants traverse the rejection to Claim 35 for the same reasons as previously discussed for Claims 10, 11 and 13. The Examiner further states that Kawamura et al. teach a TOC mechanism. Claim 35 defines subject matter for a TOC mechanism for specifying an actual configuration of various audio items on the medium by the assigning at least two mutually logically conforming Sub-TOCs to each one of a set of one or more Track Areas on the unitary storage medium, thereby allowing retrieving any constituent Sub-TOC part from at least any correct copy of the Sub-TOCs and providing at least one master-TOC for specifically pointing to each of the Sub-TOCs. The foregoing subject matter is not disclosed or suggested by Kawamura et al. or Yonemitsu et al., either alone or in combination. Therefore, this rejection is, respectfully, traversed.

The Final Office Action states that Claims 26, 28, 30, 34, 37-39 and 41 are objected to as being dependent upon a rejected base claim but are otherwise allowable. As previously discussed, the base claims from which Claims 26, 28, 30, 34, 37-39 and 41 depend are believed to be allowable over the cited references. Therefore, Claims objected to as being dependent upon a rejected base claim which further narrow and define the base claims from which they depend are also believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By _____

James D. Leimbach
Patent Attorney Reg. No. 34,374

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